IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
v.)   CASE NO. 3:04CR36-01
)   (Financial Litigation Unit)
JOSEPH ERNEST FINATERI,)
Defendant,)
)
and)
)
ASCENSION ENERGY GROUP, INC.,)
Garnishee.)

CONSENT ORDER OF CONTINUING GARNISHMENT

The parties, the United States of America, the defendant, Joseph Ernest Finateri, and the

garnishee, Ascension Energy Group, Inc., stipulate and agree as follows:

1.   The defendant is Joseph Ernest Finateri, Social Security Number ████████████

whose last known address is ████████████████   Las Vegas, Nevada 89183.

2.   A criminal judgment was entered in Case Number DNCW3:04CR36-01 in the

Western District of North Carolina on September 26, 2007 (Docket No. 89) against Defendant.

As part of that Judgment, Defendant was ordered to pay an assessment of $100 and restitution of

$14,038,382.30 to the victims of the crime. *Id.*

3.   The parties agree and stipulate that the total outstanding balance of Defendant's

restitution obligation as of November 18, 2013, is $13,993,566.87.

4.   Garnishee has in its possession, custody, or control property belonging to

Defendant in the form of wages paid to Defendant.

5.   Defendant waives service of an application for a writ of continuing garnishment

as required by 28 U.S.C. § 3205, and further waives his right to a hearing under said statute and

any other process to which Defendant may be entitled under 28 U.S.C. § 3205, and further waives his right to a hearing under said statute and any other process to which Defendant may be entitled under 28 U.S.C. § 3001 et seq.

6.   Garnishee waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. § 3205, and further waives its right to answer, and waives being heard in this matter, and waives any other process to which Garnishee may be entitled under 28 U.S.C. § 3001 et seq.

7.   Defendant agrees and stipulates that his wages are subject to garnishment under 28 U.S.C. § 3205 and expressly agrees and stipulates that the entry of a Consent Order of Continuing Garnishment is proper.

8.   Garnishee understands, agrees, and stipulates that they are prohibited from discharging Defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.   See 15 U.S.C. § 1673(a).

9.   The parties agree and stipulate to the entry of a Consent Order of Continuing Garnishment against the non-exempt wages of Defendant.   It is expressly agreed and stipulated to by the parties that Garnishee will pay the United States twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld, and one hundred percent of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further Order of this Court.   See 15 U.S.C. § 1673(a).

10.   The payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, North

Carolina 28202. In order to ensure that each payment is credited properly, the following information should be included on each check: Court Number DNCW3:04CR36-01.

11.   The parties agree and stipulate that Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program any federal payment Defendant would normally receive may be offset and applied to this debt.
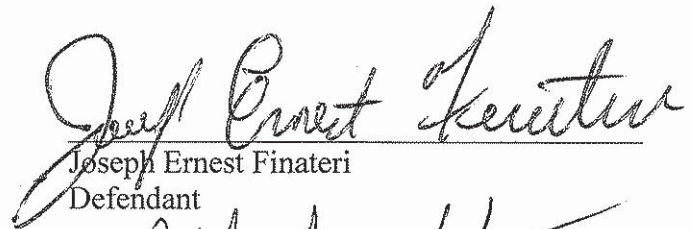
Respectfully submitted,

ANNE M. TOMPKINS
UNITED STATES ATTORNEY

Gill P. Beck
N.C. Bar Number 13175
ASSISTANT U.S. ATTORNEY
100 Otis Street, Room 233
Asheville, NC 28801
Telephone No. (828) 259-0645
Fax No. (828) 271-4327
Email: gill.beck@usdoj.gov

Agreed and Consented to:

Joseph Ernest Finateri
Defendant

Matthew D. Ehrhardt
Agent for Ascension Energy Group, Inc.

APPROVED AND SO ORDERED this the 23 day of January, 2014.

David S. Cayer
United States Magistrate Judge